

DAVID COOPER  
PLAINTIFF,  
v.

DR. NICHOLIS, et al.,  
- DEFENDANTS -

RECEIVED

2006 DEC 20 A 122 CASE NO. 2:06-CV-418-MHT

JAMES P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

MOTION FOR AN INDEPENDANT REVIEW BY THE  
UNITED STATES DISTRICT JUDGE - - - - -

comes now, the Plaintiff, prose in the above style manner, Pursuant to  
F.R.Civ.P. 56, motion for an independent review by the United States  
District judge. The Plaintiff, and for good cause, Seeks an independent  
Review base on the following grounds.

- 1) The Plaintiff, on 9-19-06, file a motion for jury trial, Pursuant  
to Rule 38, F.R.Civ.P. before the Honorable magistrate judge  
Delores R. Boyd, who denied this motion, which was filed after the  
commencement of this action Rule 38 (B)(1).
- 2) Plaintiff, further states he was within his legal right to file a motion  
for jury trial see Rule 38, (B). Plaintiff, further states judge Boyd, also  
violated his Seventh (7) amendment right, also Rule 38 (B)(1).
- 3) Plaintiff, on 9-19-06, also filed a motion for status review, which  
was granted and enter the records of this court on Sept 27,06, including  
his relief soughted paragraphs two (2) plaintiff requested an immediate  
jury trial, as to which the magistrate judge construed as a demand for  
jury trial pursuant to F.R.Civ.P. 38 (B)(2) which also was denied.  
Plaintiff, further states Rule 39(a) judge Boyd, also refuse to docket as  
a jury action. Plaintiff, seeks a review of all these documents.

Plaintiff further states the he intent to go to the Supreme Court regarding his status review which was granted on Sept 27, 06, as to which It is going on 90 days without a determination has not been made from the magistrate judge who is also in violating of plaintiff, Eighth Amendment allow plaintiff to suffer and who knows plaintiff, Condition base on plaintiff opposition and all exhibits filed in this Court including a violating of the 5, fifth shall not be deprive of my life, 14 amendment as well. The magistrate judge is no different then the defendants who are trying to let plaintiff die, because after the filing of this action they have still not try to let plaintiff have his surgery needed but continually abuse plaintiff medical needs and his rights up until this day, if plaintiff live he will file a new action against these defendants. Plaintiff pursuant to Chapter 131 Rules of Courts Section 2042 (D)(B) intent to seek aid regarding the deliberate delay in process in respond to true justice in behavior of Plaintiff life.

Done this 17<sup>th</sup> day of 2006.

Daniel Cooper 7743  
Plaintiff, Pro se.  
m. c. D. F.  
P. O. Box 4599  
Montgomery, AL. 36195

CERTIFICATE OF SERVICE

I the plaintiff, does forward a copy each of motion for to file, motion for an independent review by the United States District Judge, and certificate of service, a copy each to the Clerk of the District Court, and a copy each to the defendants defense attorney.

Done this 17th day of 2006.

  
David Cooper 7743  
Plaintiff pro se  
M.C.D.F.  
P.O. Box 4599  
Montgomery, AL 36195